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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NANCY JEAN HOLT, derivatively on behalf of VALUECLICK, INC.,

Plaintiff,

v.

DAVID S. BUZBY; JAMES A. CROUTHAMEL; JOHN GIULIANI; MARTIN HART; JAMES R. PETERS; JEFFREY F. RAYPORT; BRIAN A. SMITH; JAMES ZARLEY,

Defendants.

Case No. 2:13-cv-09024-ODW(SHx)-**

DENNIS PALKON, derivatively on behalf of VALUECLICK, INC.,

Plaintiff,

v.

JOHN GIULIANI; JOHN P. PITSTICK; PETER WOLFERT; JAMES R. ZARLEY; MARTIN T. HART; JAMES A. CROUTHAMEL; JEFFREY F. RAYPORT; JAMES R. PETERS; DAVID S. BUZBY; VALUECLICK, INC.,

Defendants.

Case No. 2:13-cv-09148-ODW(SHx)
ORDER COORDINATING CASES

This Order applies to, and shall be filed in, all of the cases listed below in Part III (the “ValueClick Cases”), which are derivative lawsuits filed on behalf of ValueClick, Inc. The Order will also to apply to any further ValueClick derivative

1 lawsuits arising out of the same set of facts as the current list of cases and heard
2 before this Court.

3 **I. Relation and coordination of cases**

4 The *ValueClick* Cases are deemed related within the meaning of General Order
5 08-05, section 5, and Local Rule 83-1.3 because they arise from the same events, will
6 call for determination of the same and substantially similar questions of law or fact
7 and will entail substantial duplication of labor if heard by different judges. *See*
8 L.R. 83-1.3.1(a)–(c). The *ValueClick* Cases are, until further order, coordinated for
9 case-management purposes under Federal Rule of Civil Procedure 42. The parties
10 will submit one joint Rule 26(f) report and the Court will issue one scheduling order
11 to govern these cases once all Defendants answer or otherwise respond.

12 This Order does not constitute a determination that these actions should be
13 consolidated for trial, nor does it have the effect of making any entity a party to an
14 action in which it has not been joined and served in accordance with the Federal Rules
15 of Civil Procedure.

16 The low-number case, *Nancy Jean Holt v. David s. Buzby et al.*, CV 2:13-
17 09024-ODW(SHx) (C.D. Cal. case filed Dec. 6, 2013), will serve as the master case
18 file. All orders, pleadings, motions, and other documents will, when filed and
19 docketed in the master-case file, be deemed filed and docketed in each individual
20 related case to the extent applicable. Parties shall enter their appearances in the
21 individual cases, and the Clerk is directed to add all parties and attorneys from the
22 individual cases to the master-case file such that all counsel appearing in the
23 individual cases will receive notifications for the master case file as well.

24 If orders, pleadings, motions, or other documents generally apply to all
25 consolidated actions, they shall include in their caption the notation that they relate to
26 “ALL CASES” and be filed and docketed **only in the master-case file**. Documents
27 intended to apply only to a particular case will indicate in their caption the case

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1 number of the case(s) to which they apply and will **only be filed in the individual**
2 **case.**

3 **II. Discovery**

4 The Court will require efficient coordinated discovery practice. The parties
5 shall confer and attempt to agree on limitations that reflect coordination. For
6 example, on common issues, Plaintiffs' witnesses should not, in most instances, be
7 separately deposed in every case. Rather, a combined multi-day deposition would be
8 appropriate, scheduled for enough time to cover all Defendants' individual issues,
9 with common issues handled in a coordinated and nonduplicative manner. The Court
10 anticipates that, subject to confidentiality restrictions, all depositions of Plaintiffs'
11 witnesses shall be cross-noticed for, and may be used in, every case. The parties are
12 encouraged to cross-notice depositions of defense witnesses where appropriate. The
13 parties should agree on a number of common discovery requests to be served on
14 Plaintiffs, with a small number of additional requests for each Defendant. Likewise,
15 the parties should explore whether it would be feasible to reduce the default number of
16 discovery requests to be served on each Defendant.

17 Defendants are encouraged to coordinate their positions to the maximum extent
18 possible and not present Plaintiffs or the Court with multiple proposals on scheduling
19 and coordination of discovery unless there are truly insoluble conflicts among the
20 defendants. Defendants are encouraged to work together to assist in the coordination
21 of these actions and the presentation of a cohesive Defense position to the extent
22 possible.

23 Any discovery disputes will be handled by the Magistrate Judge assigned to
24 these cases according to the ordinary procedures under the Federal Rules of Civil
25 Procedure and the Court's Local Rules.

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1 **II. Service of this order**

2 The Court **ORDERS** Plaintiffs to immediately serve a copy of this order on all
3 Defendants who have not yet filed appearances in the cases (and who therefore have
4 not received a copy through the CM/ECF system). If Plaintiffs add any new
5 defendants in the *ValueClick* Cases, Plaintiffs shall serve a copy of this Order along
6 with the summons and complaint.

7 **III. List of *ValueClick* Cases**

8 The cases currently subject to this Order include, though will not be limited to,
9 the following:

- 10 • *Nancy Jean Holt v. David S. Buzby et al.*, CV 2:13-09024-ODW(SHx) (C.D.
11 Cal. Case filed Dec. 6, 2013); and
12 • *Dennis Palkon v. John Giuliani et al.*, CV 2:13-09148-ODW(SHx) (C.D. Cal.
13 case filed Dec. 11, 2013).

14 **IT IS SO ORDERED.**

15
16 December 20, 2013



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19 **OTIS D. WRIGHT, II**
20 **UNITED STATES DISTRICT JUDGE**